



COUNCIL AGENDA REPORT

MEETING DATE: 08/07/06
ITEM NO:
ADDENDUM 16

DATE: August 3, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

A handwritten signature in black ink, appearing to read "Debra J. Figone".

SUBJECT: CONSIDER A REQUEST TO MODIFY A CONDITIONAL USE PERMIT TO INCREASE THE SEATING, ALLOW SPECIAL EVENTS, AND WINE BAR WITH RETAIL SALE ON PROPERTY ZONED C-2. CONDITIONAL USE PERMIT U-06-20 APN 529-03-035. PROPERTY LOCATION: 42 ELM STREET PROPERTY OWNER: MICHAEL COBLER APPLICANT: BELGHIS AND FARHAD PROUSHANI

REMARKS:

Attached information was received after the staff report was finalized.

ATTACHMENTS:

- 1-7. Previously submitted
- 8. Email from Justo Arzie Hernandez (1 page) received August 3, 2006

Distribution:

Belghis & Farhad Proushani, 42 Elm St., Los Gatos, CA 95030
Michael Cobler, 900 E. Campbell Ave., Campbell, CA 95008

BNL:mdc

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PREPARED BY:

A handwritten signature in black ink, appearing to read "Bud N. Lortz".

BUD N. LORTZ
DIRECTOR OF COMMUNITY DEVELOPMENT

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Reviewed by: _____ Assistant Town Manager Town Attorney
_____ Clerk Administrator _____ Finance Community Development

Marilyn Cosden - Re: APN 529-03-035 Wine bar etc.

From: justohernandez <justohernandez@earthlink.net>
To: <manager@losgatosca.gov>
Date: 8/2/2006 8:17 PM
Subject: Re: APN 529-03-035 Wine bar etc.

-----Original Message-----

From: Justo Hernandez
 Sent: Aug 2, 2006 11:04 PM

TOWN COUNCIL

Subject: APN 529-03-035 Wine bar etc.

Esteemed Council members,

HISTORY: This was originally a bakery with tables and chairs. It was given an on sale beer and wine permit for service with food only.

There was no county approved kitchen for proper food service in this establishment. Hence they have been or still are serving prepared food without supervision of the health dept. It was a bad move on planning's part to allow this and prompted your decision to do final approvals for all further liquor permit establishments in the future.

This establishment has been found serving wine without food (a normal occurrence) and as well running an after hours wine bar without the proper permits. When they were cited for this illegal activity they applied for the necessary permits and were rewarded for their offense with an off sale wine permit, but denied further intensification.

Now they are appealing planning's decision not to allow further intensification and they have every expectation to think they will be given approval from you. The precedent has been set to hand out wine bar permits and you unanimously approved their off sale wine usage just the other month even though you were told that same evening that they were operating an illegal enterprise serving wine without food and extending their hours. I have already written you with concerns over further intensification of the C.B.D. and the back door approach to establishing new restaurants in Town, (Restaurant James Randall). This current request is, as well, unacceptable intensification, contrary to the communities wishes as directed to you from the General Plan Review Committee to decrease "USE" in the CBD in order to promote and retain retail and maintain our character.

If it is your decision to continue approving wine bars in Town, my hope would be that they are not stand alone enterprises and food be served with drink. Wine tasting rooms can be controlled by the amount of the pour and hours but this is an application for a wine bar. If approved I would hope that you require them to at least get a county health permit and install appropriate facilities to meet the condition of their existing permit and to monitor their M.O. as rules don't seem make a difference to them.

Attachment 8

Justo Arzie Hernandez